

May 4, 1983

LB 209

of the Legislative Journal.) 19 ayes, 25 nays, Mr. President.

SPEAKER NICHOL: The motion fails. Do you have anything else on the desk?

CLERK: No.

SPEAKER NICHOL: Read the bill, I guess. Senator Chambers.

SENATOR CHAMBERS: I move that LB 209 be bracketed until Wednesday of next week.

SPEAKER NICHOL: Is there an objection? There is. Did you wish to speak to it, Senator Chambers?

SENATOR CHAMBERS: Yes. Mr. Chairman, this bill does have some parts in it that are worthwhile. I hope you will listen. The purpose is to establish some proper hearing procedures based on my understanding. Senator Goodrich, at the request of Omaha, came in with an amendment. Now if we are talking about hearing procedures, the purpose of a hearing is to determine whether whatever was done was fair. If you are going to build a system which has an outcome that cannot be changed by school officials, school board members or a hearing examiner, why even have a hearing? You have already handcuffed those who are supposed to make a determination as to whether what was done is fair. That is why you have appeal procedures in the court system so that despite what the one who makes the first decision decides, others can make a contrary decision if the facts of the case justify it. If you enact this bill as it is, you are saying that even if an outcome is reached which is unfair, that outcome cannot be changed by the school board, by the hearing officer, or by any school officials, whoever they are. I think that is not wise and I think it is not constitutional. If the bill is held, my reason for seeking the bill to be held is to get an opinion from the Attorney General. If he says that this provision is constitutional, then I don't have anything else that I will say about the bill. Not liking it, I will exercise my prerogative to vote against it, but I won't offer any amendments or try to change it. I think it is proper for the Legislature to consider whether or not you want to say that even before a hearing is convened that the original outcome in the action must be upheld and cannot be changed. If that is what you want to do, you should forthrightly take away the right for the school board to have a hearing, to appoint a hearing officer and conduct a hearing, or to